

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	5
-------	---	----	---

**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
A		US- 3,219,575	11/23/1965	Chapman et al.	
		US- 3,242,922	03/29/1966	Thomas	
		US- 3,565,066	02/23/1971	Roaf	
		US- 4,269,178	05/26/1981	Keene	
		US- 4,272,401	06/09/1981	Mohan et al.	
		US- 4,361,141	11/30/1982	Tanner	
		US- 4,369,769	01/25/1983	Edwards	
		US- 4,369,770	01/25/1983	Bacal et al.	
		US- 4,382,438	05/10/1983	Jacobs	
		US- 4,386,603	06/07/1983	Mayfield	
		US- 4,404,967	09/20/1983	Bacal et al.	
		US- 4,409,968	10/18/1983	Drummond	
		US- 4,411,259	10/25/1983	Drummond	
		US- 4,418,026	12/06/1983	Leto	
		US- 4,422,451	12/27/1983	Kalamchi	
B		US- 4,448,191	05/15/1984	Rodnyansky et al.	
		US- 4,587,884	02/04/1986	Edwards	
		US- 4,611,582	09/16/1986	Duff	
		US- 4,662,365	05/05/1987	Gotzen et al.	

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner  
Signature

Date	
Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of Information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 5**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
<i>MS</i>		US- 4,773,402	09/27/1988	Asher et al.	
		US- 4,836,196	06/06/1989	Park et al.	
		US- 4,854,304	08/08/1989	Zielke	
		US- 4,887,595	12/19/1989	Heinig et al.	
		US- 4,887,596	12/19/1989	Sherman	
		US- 4,946,458	08/07/1990	Harms et al.	
		US- 4,950,269	08/21/1990	Gaines, Jr.	
		US- 4,987,892	01/29/1991	Krag et al.	
		US- 5,002,542	03/26/1991	Frigg	
		US- 5,005,562	04/09/1991	Cotrol	
		US- 5,024,213	06/18/1991	Asher et al.	
		US- 5,102,412	04/07/1992	Rogozinski	
		US- 5,127,912	07/07/1992	Ray et al.	
		US- 5,128,900	07/14/1992	Asher et al.	
		US- 5,133,717	07/28/1992	Chopin	
		US- 5,147,360	09/15/1992	Dubousset	
		US- 5,181,917	01/26/1993	Rogozinski	
		US- 5,209,752	05/11/1993	Ashman et al.	
<i>MS</i>		US- 5,246,442	09/21/1993	Ashman et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner  
Signature*[Signature]*Date  
Considered

2/15/06

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 3 of 5**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
<i>AS</i>		US- 5,257,993	11/02/1993	Asher et al.	
		US- 5,261,909	11/16/1993	Sutterlin et al.	
		US- 5,282,801	02/01/1994	Sherman	
		US- 5,282,801	02/01/1994	Reinhard	
		US- 5,312,404	05/17/1994	Asher et al.	
		US- 5,415,661	05/16/1995	Holmes	
		US- 5,437,669	08/01/1995	Yuan et al.	
		US- 5,437,670	08/01/1995	Sherman et al.	
		US- 5,474,551	12/12/1995	Finn et al.	
		US- 5,498,262	03/12/1996	Bryan	
		US- 5,549,608	08/27/1996	Errico et al.	
		US- 5,554,157	09/10/1996	Errico et al.	
		US- 5,562,662	10/08/1996	Brumfield et al.	
		US- 5,589,247	10/29/1996	Morrison	
		US- 5,571,191	11/05/1996	Fitz	
		US- 5,591,166	01/07/1997	Bernhardt et al.	
		US- 5,611,800	03/18/1997	Davis et al.	
		US- 5,672,175	09/30/1997	Martin	
<i>AS</i>		US- 5,693,053	12/02/1997	Estes	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

2/15/08

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

4

of

5

**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,716,357	02/10/1998	Rogozinski	
		US- 4,743,260	05/10/1988	Burton	
		US- 5,800,435	09/01/1998	Errico et al.	
		US- 5,876,459	03/02/1999	Powell	
		US- 5,891,145	04/06/1999	Morrison et al.	
		US- Re. 36,758	06/27/2000	Fitz	
		US- 6,183,473 B1	02/06/2001	Ashman	
		US- 6,210,413 B1	04/03/2001	Justis et al.	
		US- 6,248,105 B1	06/19/2001	Schlapfer et al.	
		US- 6,328,739 B1	12/11/2001	Liu et al.	
		US- 6,413,257 B1	07/02/2002	Lin et al.	
		US- 6,443,956 B1	09/03/2002	Ray	
		US- 2003/0004572 A1	01/02/2003	Goble et al.	
		US- 2003/0028250 A1	02/06/2003	Reiley et al.	
		US- 6,554,831 B1	04/29/2003	Rivard et al.	
		US- 6,565,565 B1	05/20/2003	Yuan et al.	
		US- 6,579,319 B2	08/17/2003	Goble et al.	
		US- 6,623,485 B2	09/23/2003	Doubler et al.	
		US- 6,648,887 B2	11/18/2003	Ashman	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO03/101350 A1	12/11/2003	Reiley et al.		

Examiner  
Signature

Date

Considered

2/15/06

\*EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

5


of

5

**Complete if Known**

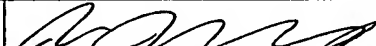
Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,815,453	03/28/1989	Cotrel	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered	2/15/06
--------------------	---	-----------------	---------



\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.


This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/780,426		
		Filing Date	February 17, 2004		
		First Named Inventor	SIMONSON		
		Art Unit			
		Examiner Name			
Sheet 1	1	of	1	Attorney Docket Number	5976-23-2

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Spine-health.com, "Facet Technologies," <a href="http://www.spine-health.com/research/discupdate/artificial/artificial06.html">http://www.spine-health.com/research/discupdate/artificial/artificial06.html</a>	
		ZIMMER SPINE, "DYNESYS, The Dynamic Stabilization System (U.S. only)," <a href="http://www.zimmer-spine.com/spine/products/lumbar/dynesys/index">http://www.zimmer-spine.com/spine/products/lumbar/dynesys/index</a>	

Examiner Signature		Date Considered	2/15/06
--------------------	---	-----------------	---------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.